

SUBDIVISION ORDINANCE TABLE OF CONTENTS

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ARTICLE I AUTHORIZATION

AN ORDINANCE TO REGULATE THE SUBDIVISION OF PROPERTY INTO LOTS, STREETS, ALLEYS, AND OTHER PUBLIC AREAS, TO PROVIDE FOR THE MAKING AND RECORDING OF PLATS OF SUCH SUBDIVISIONS AND THE CERTIFICATION OF SAME, AND TO PROVIDE FOR THE APPROVAL OF PLATS.

1-1 Authorization

The Town Council of Warrenton, Virginia, is authorized to adopt subdivision regulations pursuant to the provisions of the Act known as the Land Subdivision and Development Act found in the Code of Virginia 1950, as amended, **Section 15.1-465 through Section 15.1-485.**

1 -2 Purpose

The purpose of this Ordinance is to establish reasonable and desirable subdivision standards and procedures for the Town of Warrenton. These are part of the implementation portion of the comprehensive planning process to guide and facilitate the orderly growth of the community, and to promote the public health, safety, convenience, and welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate, and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This Ordinance is designed to assist the Town in meeting these responsibilities. Every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a Plat of such subdivision developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court of Fauquier County wherein deeds conveying such land are required by law to be recorded.

1-3 Title

This Ordinance is known and may be cited as the 'Subdivision Ordinance of the Town of Warrenton, Virginia.'

ARTICLE 2 DEFINITIONS

2-1 Words and Terms.

For the purpose of this Ordinance, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word “lot” includes the word 'plot,' and 'Parcel'; the word 'shall' is mandatory and not advisory; the word 'approve' shall be considered to be followed by the words “or disapproved”; any reference to this Ordinance includes all ordinances amending or supplementing the same; and all distances and areas refer to measurements in a horizontal plane.

Accessory Use: A use incidental to, and on the same lot as, a principal use.

Acre: a unit of land measure containing 43,560 square feet.

Administrator: The Town Planning Director, unless specifically stated otherwise herein, is the administrator of this Ordinance.

Alley: A permanent service way, with a minimum width of twenty (20) feet, providing a secondary means of vehicular access to an abutting property, and not intended for general traffic circulation.

Applicant-Owner: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the Town of Warrenton.

Architect: A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as a licensed architect.

Berm: A continuous bank of earth designed and placed to block or partially obscure elements of a site (such as a parking area), or of a building (such as a loading dock). Berms typically range in height from two (2) to six (6) feet, with width-to-height ratios of 2:1 to 5:1. Berms are often used in combination with shrubbery and trees.

Block: That land abutting on one (1) side of a street extending to the rear lot lines (or, for parcels of land extending through to another street, to a line midway between the two (2) streets) and lying between the nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and boundary of any railroad right-of-way, park, school ground, or unsubdivided acreage or center line of any drainage channel twenty (20) or more feet in width.

Buffer: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or from the roadway or to block noise or other nuisances.

Building: A structure having one (1) or more stories and a roof designed primarily for support and shelter of persons, animals, or property of any kind. When a structure is divided into separate parts by firewalls, and having separate plumbing, electrical, heating, drainage, and ventilation, each part so divided shall be deemed a separate structure.

Building Area: The area of the horizontal section of the buildings taken at their greatest outside dimensions on the ground floor including all attached structures and covered porches.

Building, Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back more than ten (10) feet from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, Main: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Building Setback Line: A line establishing the minimum distance by which any structure must be separated from the front line of a lot.

Caliper: A measurement of the diameter of a tree trunk taken at six (6) inches above groundline for trees up to four (4) inches in diameter, and at twelve (12) inches above groundline for larger trees.

Capital Improvement Plan: A plan outlining the nature, location, costs, funding, and timing of future capital expenditures for community facilities such as streets, sidewalks, drainage facilities, water and wastewater lines and treatment facilities, parks, public buildings, and required property.

Carport: A structure attached to a dwelling unit, open on at least one (1) side, designed for the parking and storage of vehicles by the residents of the dwelling and their guests.

Centerline: The midpoint of the width of a highway or right-of-way.

Clear-cutting: The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition does not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, removal of dead trees and shrubs, or normal mowing operations.

Clerk: The Clerk of the Circuit Court of Fauquier County having jurisdiction in the Town of Warrenton.

Cluster Alternative: A residential development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas or historic and cultural resources.

Commission: The Planning Commission of the Town of Warrenton, Virginia.

Comprehensive Plan: Maps, charts, and descriptive matter officially adopted by the Warrenton Town Council showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways and recreation areas; for the general location and extent of facilities for water and sewer; and for the general location, character, and extent of community facilities.

Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas and their structures in their built, natural, scenic, open, or wooded condition or for the purpose of maintaining existing land uses.

Construction Standards: Specifications and standards as adopted by or applicable in the Town of Warrenton relating to the construction of all physical improvements.

Council: The Town Council of Warrenton, Virginia

Covenant: A formal agreement of legal validity between two (2) or more parties outlining restrictions, rights, or responsibilities concerning the use of property or structures.

Cul-de-Sac: A street with only one (1) outlet and having an appropriate turn-around for safe and convenient reverse traffic movement.

Density: The number of dwelling units per gross acre of land.

Detention Facility: A facility which serves the purpose of collecting and retaining rainfall falling on a site for controlled release to primary stormwater management facilities as a result of land alteration activities.

Developer or Subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed in planning, negotiation, or in representing or executing the requirements of the ordinances of the Town of Warrenton.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

District: A section of the Town of Warrenton within which the zoning regulations are uniform.

Drive-Through Facility: Any portion of a building or structure from which customers can receive a service, or obtain a product, while in their motor vehicle.

Driveway or Accessway: That space specifically designated and reserved on the site for movement of vehicles from one (1) location to another on site or from the site to a public street.

Dustless Surface: A surface adequately covered in accordance with good construction practice, with a minimum of either two (2) applications of bituminous surface treatment concrete, or bituminous concrete approved by the Town, and to be maintained in good condition at all times.

Dwelling: Any structure, or portion thereof, which is designed for generally permanent residential purposes, not including hotels, boardinghouses, lodging houses, tourist cabins, automobile trailers or mobile homes.

Easement: A grant of one (1) or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Engineer: A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as a 'professional engineer'.

Final Plat: A map or plan filed, or to be filed, of record of a subdivision and any accompanying material, as described in this Ordinance.

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose, partition, or screen areas of land.

Floodplain: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway: The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the one hundred-year flood can be discharged without cumulatively increasing the water surface elevation more than one (1) foot at any point.

Flood Hazard District: The area subject to inundation by waters on the one hundred year flood, which is the flood that has a one (1) percent chance of being equaled or exceeded in any given year, as defined by the Federal Emergency Management Agency.

Flood Fringe: All that land in a floodplain not lying within a delineated floodway and subject to inundation by relatively low velocity flows and shallow water depths.

Floodproofing: The protection of structures and public utility systems from damage caused by inundation or seepage of flood waters.

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. The distance between the side lines of any lot measured along a line, measured at the required setback, generally paralleling the street upon which the lot fronts.

Geometric Design: Typical cross-sections used in street design.

Governing Body: The Town Council of Warrenton, Virginia.

Grade: The average of the finished ground level at the center of all walls of a building. In the case where walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

Gross Floor Area: The sum of the total horizontal areas of all floors of a structure on a lot, including basements, elevator shafts, stairwells, and enclosed porches or atriums. This definition does not include floor space not used for human habitation or suitable for temporary storage or merchandise or equipment such as areas designed for heating and ventilating equipment, off-street parking, or areas with less than six (6) feet, six (6) inches or more of structural headroom.

Health Officer: The health director or sanitarian of Fauquier County, Virginia.

Highway Engineer: The Resident Engineer serving the Town of Warrenton, Virginia, of the Department of Highways and Transportation of Virginia, or his designated deputy.

Homeowners Association: A private nonprofit corporation of homeowners for the purpose of owning, operating, developing, and maintaining various common property and facilities.

Impervious Surface: A surface on previously undeveloped land that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including gravel driveways and parking areas.

Improvements: All utilities, facilities, buildings, and structures including but not limited to streets, cul-de-sacs, storm and sanitary sewers, water lines, curb and gutter, and landscaping required pursuant to the terms of the Ordinances of Warrenton, Virginia.

Jurisdiction: The limits of territory within which authority may be exercised by the governing body.

Landscape Architect: A person in the practice of landscape design who is certified by the State of Virginia.

Landscaping: The modification of existing site conditions by earthwork, planting, and/or structural installation to complete a desired landscape scheme.

Landscape Design: The planned treatment of land, structures, plants, topography, and other natural features.

Lot: A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building or, in the case of land not transferred for sale, a measured parcel of land having fixed boundaries and designated on a plat or survey showing the metes and bounds or simply described by metes and bounds.

Lot Area: The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street or right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street right-of-way.

Lot, Comer: A lot abutting upon two (2) or more streets at their intersection, the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, Coverage: The area of a site covered by buildings or roofed areas.

Lot, Depth of: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Interior: A lot other than a comer lot having frontage on one (1) street.

Lot Line: A property boundary line of any lot held in single and separate ownership from adjacent property, except that, in the case of any lot abutting a street, the lot line or such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the center line of the street, or any other line within the street line even though such may be the property boundary line.

Lot, Pipestem: A lot with access provided to the bulk of the lot by means of a narrow corridor that does not meet the street frontage requirement of the district regulations.

Lot of Record: A lot which has been recorded in the office of the Clerk of the Circuit Court of Fauquier County.

Lot, Substandard: See Nonconforming Lot.

Lot, Width of: The horizontal distance between side lot lines measured at the required front setback line.

Mobile Home: A structure, transportable in one or more sections, which is eight (8) body feet in width and which is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used with a permanent foundation when connected to the required utilities, used as a year-round single-family residence.

Mobile Home Park: A residential neighborhood conforming to the requirements of the MHP Residential District.

Mobile Home Subdivision: An arrangement of lots designed and intended for the placement of mobile homes for residential purposes, meeting the requirement of the MHP Residential District.

Noise: Sound of a harsh, loud, or confused kind causing disturbance to occupants of an adjoining property.

Nonconforming Activity: The otherwise legal use of a building or structure or a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the district in which it is located, either at the effective date of this Ordinance, or as a result of subsequent amendments to the Ordinance.

Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Use: An otherwise legal use that does not conform with the regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

One Hundred-Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

On-Site: That area within the boundary of any land to be developed or planned.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes and may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water bodies, but not including driveways, parking lots, and storage yards.

Open Space, Common: Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of a development.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Performance Bond: A letter of credit, corporate surety, or cash deposit, approved by the Planning Director and Town Attorney in an amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period of time (A performance and payment bond also provides for the payment of subcontractors).

Person: An individual, a partnership, or a corporation or any other legal entity by whatever term customarily known.

Planner: A person qualified to prepare site development plans or plats, either licensed as such, or meeting the educational training and work experience standards for membership of the American Institute of Certified Planners.

Planning Director: The Planning Director of the Town of Warrenton, Virginia.

Plat: A drawing of a survey of a tract or parcel of land prepared by an engineer or surveyor.

Plat, Preliminary: A preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Administrator for approval.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually roofed and generally open-sided, but it may be screened or glass enclosed.

Profile: A drawing of a side or sectional elevation of an object

Property: Any tract, lot, or parcel or several of the same collected together for the purpose of subdividing, preparing a site development plan, and/or developing.

Public Facilities Manual: The Town of Warrenton Public Facilities Manual. This manual provides standards and specifications for public facilities construction within the Town.

Public Improvement: All public utilities and facilities for which the Town Council may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which Town Council responsibility is established. Such improvements shall include, but not be limited to, streets, storm and sanitary sewers, water lines, curb, gutter, sidewalks, and street signs. All such improvements shall be properly bonded.

Public Water and Sewer Systems: A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the Governing Body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

Retention Facility: The same as a Detention Facility except that the lower water elevation of the pond may be at a level lower than the normal hydraulic grade line of the drainage system into which it drains. Water detained in this lower elevation must therefore be dissipated by evaporation, seepage into the soil, or retained as a permanent water pool.

Reverse Frontage: A lot with double frontage which is not accessible from one (1) of the streets upon which it fronts, usually the street designed for or experiencing the highest vehicular traffic volumes.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Screening: See Buffer.

Setback: The minimum distance by which any building or structure must be separated from the front, side, or rear lot line.

Setback Line: The line which establishes the required setback. The same as building line.

Standards: Criteria for public improvements set out in the Town of Warrenton Public Facilities Manual.

Specifications: A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the ordinance applicable in the Town of Warrenton, Virginia.

Steep Slope: A slope exceeding fifteen (15) percent grade.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds of the floor area is finished off for use.

Street: The principal means of access to any lot in a subdivision. The term street shall include a public or private road, lane, drive, place, avenue, highway, boulevard, or any other right of way used for similar purpose.

Street, Arterial: A highway utilized primarily as a supplement to, and an extension of, the interstate highway system, defined in the Virginia State Highway Commission Standards as an arterial highway. A minimum right-of-way of one hundred twenty (120) feet is required and carrying capacity is in excess of eight thousand (8,000) vehicles per lane per day.

Street, Collector: Any existing or future street shown as a collector street on the adopted Comprehensive Plan or that carries a volume of through traffic between four hundred (400) and three thousand (3,000) vehicles per day.

Street, Interstate: A thoroughfare utilized to carry interstate traffic with a minimum right-of-way of three hundred (300) feet in rural area and carrying capacity in excess of fifteen hundred (1,500) vehicles per lane per hour.

Street, Line: The dividing line between a street or road right-of-way and the contiguous property.

Street, Local: Any existing or future street shown as a local street on the adopted Comprehensive Plan and is used primarily as a means of public access to the abutting properties with anticipated traffic of less than four hundred (400) vehicles per day, and having a right-of-way of not less than fifty (50) feet.

Street, Primary Thoroughfare: Any existing or future street shown as a major, or primary, street on the adopted Comprehensive Plan or that carries a large volume of traffic, or anticipated traffic, exceeding three thousand (3,000) vehicles per day, and having a right-of-way of not less than seventy (70) feet, and where feasible, a right-of-way of ninety (90) feet.

Street, Private: A local or collector street constructed to Town and State standards or the equivalent thereto, guaranteed to be maintained by a private corporation by means of a covenant, deed, and easement acceptable to the Town of Warrenton. Such streets shall have guaranteed public vehicular access.

Street, Public: All public property reserved or dedicated for street traffic, maintained by the Town of Warrenton or the Virginia Department of Highways. **Street, Secondary Collector:** A street that carries or is anticipated to carry a volume of through-traffic exceeding four hundred (400) vehicles per day, the right-of-way of which shall not be less than fifty (50) feet nor more than ninety (90) feet depending upon existing or anticipated traffic volume.

Street, Service Drive: A public right-of-way generally parallel with and contiguous to a major, highway. Primarily designed to promote safety by eliminating ~~pern~~ **-HIS** ingress and egress to the major safe and orderly points of access to the major highway.

Street Width: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and where necessary, utility strips.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc., but not private driveways.

Subdivide: To divide any tract, parcel, or lot of land into two (2) or more parts for the purpose of transferring ownership of any part or for the purpose of building development on any part. The term 'subdivide' includes the term 'resubdivide' and when appropriate to the context shall relate to the process of subdividing.

Subdivision: The process of subdividing or the result of subdividing.

Surveyor, Land: A certified land surveyor licensed by the Commonwealth of Virginia.

Town Engineer: The duly appointed Town Engineer for Warrenton, Virginia.

Town Manager: The duly appointed Town Manager for Warrenton, Virginia.

Travel Lane: Space specifically designated and reserved on the site for the movement of vehicular traffic.

Tree Protection Zone: An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Where there are a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

Use: Activity proposed for any portion or part of a parcel, tract, or lot.

Use, Accessory: See Accessory Use.

U.S.G.S.: U. S. Geological Survey.

U.S.C. & G.S.: U. S. Coast and Geodetic Survey.

Utility: (1) Facilities provided by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Variance: A variance is a relaxation of the terms of the Subdivision Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Woodland: An area comprising one (1) or more acres of wooded land where the largest trees have at least a six (6) inch caliper, or a grove of trees forming one (1) canopy where ten (10) or more trees have at least eight (8) inch calipers.

Yard: An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front: An open, unoccupied space on the same lot as a building between the nearest front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.

Yard, Rear: An open, unoccupied space on the same lot as a building between the nearest rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.

Yard, Side: An open, unoccupied space on the same lot as a building between the nearest side line of the building (exclusive of steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Zero Lot Line: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line. The side(s) of the building resting on the line typically does not include windows.

Zoning Administrator: An employee of the Planning Department designated by the Town Director of Planning to administer certain provisions of this Ordinance as outlined herein.

Zoning Ordinance: Zoning Ordinance of the Town of Warrenton, Virginia.

ARTICLE 3 GENERAL REGULATIONS

3-1 Administration

The administration and enforcement of these regulations, insofar as they pertain to public improvements required herein, shall be vested in the Town Council. Except as provided above, the administering and enforcing of the provisions of this Ordinance shall be carried out by the Planning Director. The Planning Commission shall review and recommend approval or disapproval of all subdivision plats in accordance with this Ordinance. In the performance of its duties the Commission may call for verbal or written opinions or decisions from other departments of the Town, as well as pertinent reports from State and other local government departments, including consultants where deemed necessary, in considering details of any proposed subdivision plat. The right is reserved by the Town Council to elect by Resolution of record, whether it will or will not accept the dedication of any proposed subdivision, street, or alley.

3-2 Duties

The Planning Commission shall perform its duties regarding subdivisions and subdividing in accordance with this Ordinance and the Land Subdivision and Development Act of the Code of Virginia.

3-3 Additional Authority

In addition to the regulations and requirements herein contained concerning the platting of subdivisions, the Planning Director may establish any reasonable additional administrative procedures deemed necessary for the proper administration of this Ordinance.

3-4 Interpretation

The standards and procedures contained herein are declared to be the minimum requirements for the promotion of the public health, safety, convenience, and welfare.

3-5 Subdivision Policy

- 3-5.1 From and after the effective date of this Ordinance, any owner or proprietor of any tract of land within the Town of Warrenton who subdivides the same as herein provided, shall cause a plat of such subdivision to be made in accordance with the regulations set forth in this Ordinance and in the Code of Virginia, and a copy of said plat to be recorded in the office of the Clerk of Fauquier County.
- 3-5.2 No final subdivision plat shall be recorded unless and until it shall have been submitted to and approved by Town Council, and certified by the Planning Director.

- 3-5.3 A Final Plat shall become null and void if it is not recorded in the Office of the Clerk of the Circuit Court of Fauquier County within six (6) months from the date of approval by Town Council, unless an extension is granted by the Town Council upon written application by the subdivider.

3-6 Transfer of Land

No parcel of land in a subdivision, as herein defined, created after the effective date of this Ordinance shall be transferred, sold, or offered for sale until a Final Plat has been approved and recorded as provided for in this Ordinance.

3-7 Issuance of Permits

No official of the Town shall issue any zoning permit, building permit, or occupancy permit for any structure on any land subdivided as herein defined after the effective date of this Ordinance until a Final Plat has been approved and recorded as provided in this Ordinance.

3-8 Variations and Exceptions

Where the subdivider can show that a provision of this Ordinance if strictly adhered to and where topographical or other conditions peculiar to the site would result in a hardship to the developer, the Town Council **may** 'y, modify, or waive the requirements of this Ordinance when the intent of this Ordinance would be preserved and the public interest secured.

- 3-8.1 The provisions of this Ordinance shall not apply to the partition of any tract of land ordered by a Court of competent jurisdiction.
- 3-8.2 In approving variances from the provisions of this Ordinance, Town Council may require revisions as will secure, substantially, the objectives of the standards or requirements of this Ordinance.
- 3-8.3 A petition for any variance from the provisions of this Ordinance shall be submitted in writing by the developer or subdivider at the time when the Preliminary Plat is filed for consideration. No request shall be considered by the Town Council unless it has been submitted in writing. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- 3-8.4 This Article shall not apply to acquisition of lands by the Town to construct new streets and to widen existing public streets, ways, and alleys.
- 3-8.5 The Zoning Administrator may permit the separation of one (1) parcel from a tract as it exists at the time of adoption of this Ordinance without complying with all requirements of this Ordinance if:

- a. It is not in conflict with the general meaning and intent of this Ordinance.
- b. No new streets are required to serve the parcel or the residual tract,
- c. Neither the parcel nor the residual tract is less than provided in the Zoning Ordinance.
- d. Both lots meet the lot frontage and width requirements as provided in the Zoning ordinance.

3-9 Complementary Ordinances

This Ordinance is intended to complement and be consistent with this Zoning Ordinance. The creation of a subdivision shall in no way exempt the land included within it from the provisions of the Zoning Ordinance.

3-10 Violations and Penalties

- 3-10.1 It shall constitute a violation of this Ordinance for any person or agent to disobey, neglect, or refuse to comply with any of its provisions.
- 3-10.2 Any violation of this Ordinance shall constitute a Class 3 misdemeanor, punishable by a fine of five hundred dollars (\$500). Each day during which such violation shall occur represents a separate violation.
- 3-10.3 Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of this Ordinance shall be guilty of a Class 3 misdemeanor, and upon conviction thereof shall be punished in accordance with the statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.
- 3-10.4 All departments, officials, and public employees of the Town of Warrenton vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. Any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.
- 3-10.5 Where there has been a violation of this Ordinance, the Town may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation, in any Court of competent jurisdiction.

3-11 Appeals

Any person aggrieved by the decision of the Zoning Administrator or his agent or any administrative official whose decision is required pursuant to this Ordinance may appeal, in writing, such decision to Town Council within thirty (30) days.

3-12 Fees

The Town Council, by resolution, shall establish a schedule of fees to compensate the Town for costs incurred for administration, examining plats, making investigations, advertising, travel, and other work incidental to the approval of plats. If a subdivider requests a refund or waiver of fees, established under the provisions of this Article, such request shall be submitted in writing to the Town Council. The written request shall detail the reasons for the request and the amount of refund or waiver requested.

3-13 Vacation of Plat

Any plat of record may be vacated in accordance with the provisions of the Section **15.1-481**, et seq. of the Code of Virginia. 1950, as amended.

3-14 Dedication and Reservation of Land

3-14.1 The subdivider shall dedicate to the Town of Warrenton all land required for public streets and alleys as provided for in this Ordinance. Regardless of dedication, all streets and alleys must meet the minimum design standards in this Ordinance.

3-14.2 The subdivider may dedicate to the Town of Warrenton such land for parking lots, parks, and playgrounds, as determined necessary to insure the health, safety, and general public welfare within the proposed subdivision. The size, location, and character of land dedicated or reserved shall be determined by the Planning Commission after a joint consultation with the subdivider and in consideration of the following: purpose and intent of this Ordinance, the Zoning Ordinance, and the Comprehensive Plan.

3-15 Boundary Adjustments

The sale and exchange of parcels between adjoining lot owners, and boundary adjustments as may be required, are permitted and can be approved by the Zoning Administrator without review or approval by the Planning Commission or Town Council, provided:

- a. such sale or exchange does not create an additional building lot;
- b. the sale or exchange does not leave a parcel that does not conform to the lot size requirements of the zoning district in which the property is located;

- c. the applicant submits a duly executed survey of the property, suitable for recordation in the Clerk's office, with notation indicating the amount of acreage exchanged and that no new building lot is created; and
- d. the applicant submits a copy of the new deed for review and approval.

ARTICLE 4 PLAT PREPARATION AND PROCEDURE

4-1 Preliminary Conference, Preliminary Sketch

- 4-1.1 Before the preparation of a Preliminary Plan or Plat, a subdivider shall be required to attend a presubmission meeting with the Planning Director relative to the details contained in this Ordinance, the Comprehensive Plan, the Zoning Ordinance, and other applicable plans and ordinances. The purpose of such a meeting is to assure that the applicant is made fully aware of all the requirements and interpretations of existing plans and ordinances plus any amendments which are pending at the time of the subdivision plan or plat preparation.
- 4-1.2 The subdivider may submit to the Administrator two (2) copies of a preliminary sketch of the proposed subdivision prior to his preparation of engineered Preliminary and Final Plats. The purpose of such preliminary sketch is to permit the Planning Director to advise the subdivider whether his plans in general are in accordance with the requirements of this Ordinance prior to any appreciable investment on the part of the subdivider.

4-2 Purpose of Preliminary Plat

Any person proposing a subdivision of land under this Ordinance shall submit to the Administrator a Preliminary Plat showing the general design and layout of the area proposed to be subdivided. The purpose of this requirement is to enable the subdivider to ascertain whether his plans are in accordance with the provisions of this Ordinance and to obtain approval of his proposal for the development and construction of improvements.

4-3 Preliminary Plat to be Submitted

- 4-3.1 Twelve (12) copies of the Preliminary Plat together with the preliminary street and utility plans shall be submitted by the subdivider to the Administrator at least thirty (30) days prior to the scheduled meeting of the Planning Commission.
- 4-3.2 The Planning Director shall promptly deliver copies thereof to the Planning Commission and other Town or State officials as required, retaining the other copies for use.

4-4 Preliminary Plat Requirements

The Preliminary Plat shall adhere to the following requirements:

- 4-4.1 It shall be legibly drawn and may be on more than one (1) sheet. The scale shall be one (1) inch equals one hundred (100) feet.
- 4-4.2 It shall show the following information, except where waived by the Planning Director:

- a. Date of plat and name of the surveyor or engineer preparing the same accompanied by an original seal and signature.
- b. Scale.
- c. Number of sheets comprising the plat.
- d. North meridian, designated true" or 'magnetic', and direction oriented to the top of the sheet and each sheet comprising plat shall be so oriented.
- e. Name and signature of owner or their agent.
- f. Name of Subdivision which shall not duplicate nor too closely approximate that of any existing subdivision in the Town of Warrenton or in Fauquier County.
- g. Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
- h. Names of all adjoining property owners and the location of their common boundaries together with zoning classifications and including the proposed subdivision.
- i. Historical buildings, structures, and sites designated on the Virginia Landmarks Register.
- j. The boundary lines of the proposed subdivision and any of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.
- k. All adjoining roads and streets with their numbers and/or names.
- l. Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the Administrator may require the Preliminary Plat to show a proposed future subdivision of such remaining acreage or a part thereof to make certain that proper orientation of future streets may be developed with the platted streets.
- m. Location of existing buildings within the subdivision and within two hundred (200) feet thereof.
- n. Location and description of all existing monuments.
- o. Topographical contour lines, existing and finished, as required for approval of drainage and sewer facilities.
- p. Proposed locations, widths, and names of all streets.

- q. The approximate location, number, and the proposed use of all lots and other areas, including water courses, marshes, impoundments, lakes, and those areas to be used or parking, recreation, commercial purposes, or for public or governmental use, and existing utility installation.
- r. Proposed lot numbers and block letters.
- s. If the proposed subdivision consists of land acquired from more than one (1) source of title, the outlines of the several tracts shall be included on the Preliminary Plat by broken lines and identification of such respective tracts shall be shown on the Preliminary Plat.
- t. The location of all trees on the site with a caliper of six (6) inches or greater should be indicated. Wooded areas shall be designated by symbols that indicate the perimeter of the area covered by the canopy of the trees. Trees to be removed shall be indicated. Trees and or wooded areas to be retained, and methods to be used to assure adequate protection for trees adjacent to disturbed areas, shall be indicated. Such methods shall conform to Section 3, Subsection 1.85, Tree Preservation and Protection of the Virginia Erosion and Sediment Control Handbook.
- u. A landscape plan, prepared by a registered landscape architect, indicating the location, number, and type of plantings, and planting specifications as required by this Ordinance or the Zoning Ordinance. Such plan shall be drawn at a scale of one (1) inch equals thirty (30) feet

4-5 Items to Accompany Preliminary Plat

Items as described below shall accompany the Preliminary Plat at the time it is submitted to the Planning Director:

- 4-5.1 A tentative proposal for providing each building lot with a safe water supply and an adequate means of sewerage in conformance with Town Standards.
- 4-5.2 Preliminary plans and specifications of any streets or public parking areas that are included in the subdivision and any special treatment which will be required in their construction, including the drainage system which will be required and in conformance with the standards of the Town of Warrenton.
- 4-5.3 A statement by the subdivider as to whether or not he proposes to dedicate or reserve land for public use or for the common use of future property owners in the subdivision and, if so, a statement giving an outline of the terms proposed and acreage involved. If private streets are involved, specific provisions for their maintenance shall be submitted.
- 4-5.4 A statement summarizing proposed restrictive covenants and reservations.

4-5.5 A check payable to the Town of Warrenton to cover the required fees as established by Town Council.

4-5.6 A Preliminary Plat checklist, available from the Town Planning Department.

4-6 Planning Commission to Act on Preliminary Plat

4-6.1 The Planning Commission shall discuss the Preliminary Plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this Ordinance, the Zoning Ordinance, and the Comprehensive Plan. The subdivider shall then be advised in writing, which may be by formal letter or by legible markings on his copy of the Preliminary Plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the Planning Commission may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

4-6.2 The Planning Commission shall approve the Preliminary Plat if the plat has been properly drawn, all additional data requested by the Planning Commission is included, and the proposed subdivision conforms to the requirements and purposes of this Ordinance and the Comprehensive Plan. Otherwise, the Planning Commission shall disapprove the same (stating its reasons for such disapproval); or, if only minor changes are required for approval, approval subject to specified required revisions may be given by writing such requirements on the plat; or by placing a reference upon it to an accompanying statement; or an extended time may be given the subdivider for submission of revised plans.

4-6.3 Within ninety (90) days after submission of the Preliminary Plat to the Planning Director and the items that are required to accompany such plat by the provisions of this Ordinance, the Planning Commission shall render a decision.

4-7 Disposition of Preliminary Plat After Action

One (1) copy of the Preliminary Plat with the action of the Planning Commission noted thereon shall thereupon be returned to the subdivider, and an annotated copy shall be kept by the Planning Commission for comparison with future plats submitted by the subdivider.

4-8 No Guarantee

Approval of the Preliminary Plat does not constitute a guarantee of approval of the Final Plat.

4-9 Six Months Limit

The subdivider shall have not more than six (6) months after receiving official notification concerning the Preliminary Plat to file with the Planning Director a final subdivision plat in accordance with this Ordinance. Failure to do so shall make preliminary approval null and void. The Planning Commission may, for valid reasons and upon written request by the subdivider, grant an extension of this time limit.

4-10 Final Plat to be Submitted

4-10.1 Twelve copies of the Final Plat shall be submitted to the Planning Director at least twenty-one (21) days prior to the scheduled meeting of the Planning Commission and shall be forwarded by the Planning Director to the Planning Commission.

4-10.2 Twelve (12) copies of the Final Plat drawn in accordance with Section 4-11 and twelve (12) copies of the Final Plat reduced in size to approximately eight (8) inches by fourteen (14) inches shall be submitted. Said copies shall be photographic tracings and shall be of semipermanent quality.

4-11 Final Plat Requirements

The Final Plat shall adhere to the following requirements:

4-11.1 The Final Plat shall be prepared by a surveyor or civil engineer, with their seal, who shall endorse upon such plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.

4-11.2 The Final Plat shall be substantially in accordance with the Preliminary Plat (together with any changes or additions required by the Planning Commission as a requirement for its approval), except that a Final Plat may include all or any pan of the area covered by the Preliminary Plat.

4-11.3 The Final Plat shall be legibly and accurately drawn upon sheets having a size of fifteen (15) inches by twenty (20) inches. The plat shall be drawn at a scale of one (1) inch equals one hundred (100) feet. If the subdivision is shown on more than one (1) sheet, the sheet number, total number of sheets, and subdivision name shall be shown on each sheet, and match lines shall clearly indicate where the several sheets join.

4-11.4 It shall also show the following details:

- a. A boundary survey.

- b. Location and dimensions of all lot and street lines and center lines of all streets, both within and adjoining the subdivision: names and widths of all streets; and boundaries of all easements, school sites, parks, or other public areas.
- c. All dimensions shown in feet and decimals of a foot to the closest one-hundredth of a foot; and all bearings and degrees, minutes and seconds, to the nearest ten (10) seconds.
- d. Curve data showing radius, delta, and arc either at the curve or in a curve data table.
- e. Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.
- f. Number of each lot and letter or number of each block.

4-11.5 If any land or water areas are being dedicated or reserved for streets, alleys, parking space, or for other public use, or for the common use of future property owners of the subdivision, the Final Plat shall so state and indicate which.

4-11.6 The Final Plat shall show or have appended to it an unexecuted copy of a proposed Certificate of Owner's Consent to Subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees, and lienholders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.

4-11.7 The Final Plat shall provide on the first sheet space for:

- a. The surveyor's certificate, as to title.
- b. The surveyor's certificate, as to monuments.
- c. All restrictive covenants, or reference thereto.
- d. Space for approval by the Town Council.

4-11.8 A Final Plat Checklist, available from the Town Planning Department, shall be submitted.

4-12 Documents to Accompany Final Plat

When delivered to the Planning Director, all Final Plats shall be accompanied by the following:

4-12.1 A water supply and sewerage handling facilities plan acceptable and in conformity with standards of the Town of Warrenton and that each building lot will have a safe water supply and an adequate means of handling sewerage.

4-12.2 Plans for all streets, street signs, and drainage systems acceptable and in conformity with the standards of the Town of Warrenton.

4-12.3 A detailed estimate of the costs for installation of on-site and off-site improvements intended or designed to be dedicated for public use, and maintained by the Town of Warrenton, the Commonwealth of Virginia, or other public agency.

4-12.3.1 Cost estimates shall include the following:

- a. The acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline, or other improvement dedicated for public use; and
- b. Site-related improvements required by this Ordinance for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities.

4-12.3.2 Cost estimates shall be based on per unit quantities and costs for respective public or private sector construction within the Warrenton region. The estimates shall include a reasonable allowance for estimated administrative costs, inflation during the anticipated time of project completion (determined using the most recent yearly rate of change in the Consumer Price Index), and potential damage to existing roads, utilities or other public facilities. An estimated time frame for phasing and completion of all improvements will be submitted for review and approval, or disapproval, by the Public Utilities Director.

4-12.3.3 Cost estimates will be reviewed and approved, approved with revisions, or disapproved by the Town Engineer and/or Director of Public Works for the Town with notice provided in writing and addressed to the owner, or their designated agent, as identified on the plat documents.

4-12.3.4 Upon approval of the cost estimates, the owner or developer is required to submit 1) a certificate certifying that the construction costs have been paid to the person constructing such improvements, or 2) a cash bond, certified check, or surety performance and payment bond with escalation clause for the cost of improvements to insure completion, or 3) a bank or savings and loan association's letter of credit, or renewable letter of credit, operating within the Commonwealth of Virginia, on certain designated funds on a form satisfactory to the Town of Warrenton, and approved, or disapproved, by the Town Attorney.

4-12.3.5 The Town shall grant periodic partial releases of any bond, escrow, letter of credit, or other performance guarantee required for the completion of publicly dedicated improvements under the following provisions:

- a. no more than three (3) periodic partial releases shall be executed within any twelve (12) month period;
- b. at least thirty (30) percent of the facilities covered by any performance guarantee must be completed;
- c. less than eighty (80) percent of the facilities covered by any performance guarantee are completed;
- d. the owner or developer has submitted a written notification to the Planning Director of the percentage of work complete and the request for partial release of funds;
- e. inspections by Town personnel and/or state agency personnel reveal no defects and/or deficiencies in the work completed. Such defects and deficiencies must be directly related to the construction of the facilities covered by said bond, escrow, letter of credit, or other performance guarantee. Identified defects and/or deficiencies and suggested corrective measures will be identified, within thirty (30) days receipt of a written request for partial release, and notice provided in writing and addressed to the owner, or their designated agent, as identified on the site plan documents;
- f. the Town of Warrenton may accept a certificate of partial completion from either a duly licensed professional engineer or land surveyor, or from a department or agency designated by the Town, without the necessity of further inspection;
- g. if the above requirements and conditions are met, the Town Council will grant a periodic partial release within thirty (30) days receipt of a written request: and
- h. if no action is taken by the Town Council within the time specified above, the request shall be deemed approved and the release granted to the owner or developer.

4-12.3.6 Final completion and acceptance of said facilities will result in the release of any remaining bond, escrow, letter of credit, or other performance guarantee by the Town. Final acceptance is deemed to mean when said public facility is accepted and taken over for operation and maintenance, by the state agency, Town of Warrenton, or other public authority which is responsible for maintaining and operating such facility.

- a. The owner or developer must notify the Town Council in writing of the completion of said facilities and the request for final release of the performance guarantee.
- b. The Town will notify the owner or developer of disapproval by any applicable state agency or any specified defects and/or deficiencies in construction and suggested corrective measures within thirty (30) days receipt of the request for release. Such defects and deficiencies must be directly related to the construction of the facilities covered by said bond, escrow, letter of credit, or other performance guarantee. Identified defects and/or deficiencies and suggested corrective measures will be identified, within thirty (30) days receipt of a written request for partial release, and notice provided in writing and addressed to the owner, or their designated agent, as identified on the site plan documents.
- c. The Town of Warrenton may accept a certificate of completion from either a duly licensed professional engineer or land surveyor, or from a department or agency designated by the Town, without the necessity of further inspection.
- d. If no notice is given to the owner or developer within the time specified above for final release, and an additional request in writing is sent by the owner or developer by certified mail, return receipt requested, to the Town Manager, and the Town Council has not acted within ten (10) working days of receipt of the request, it shall be deemed approved and final release granted.

4-12.4 A check payable to the Town of Warrenton to cover all required fees.

4-12.5 An unexecuted copy of the proposed deed of dedication, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgements of deed, to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. Said copy shall:

- a. Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.
 - b. Contain language such that when the deed is recorded it shall operate to transfer in fee simple to the Town of Warrenton such portion of the platted premises as 'is on such Plat designated and set apart for public streets, alleys, or other public use and to grant such easements as are shown on such plat to create a public right of passage over same.
 - c. Contain all protective or restrictive covenants, including those referred to in Section 4-11.7(c) hereof and including provision for the maintenance of private streets, if any.
- 4-12.6 An Erosion and

Sedimentation Control Plan approved by the appropriate agent in accordance with Article 5.

4-12.7 A Tree Protection Plan that indicates the location of trunks and driplines for trees or wooded areas that are to be retained. In the case of wooded areas, the trunks and driplines of perimeter trees shall be sufficient indication of location. Methods of protection shall be clearly indicated, including details of all retaining walls, tree guards, tree wells, indications that grading changes will not alter surface water movement to or from trees to be retained, and methods to mark trees and wooded areas to be preserved during grading and construction activities.

4-13 Planning Commission to Act on Final Plat

Within sixty (60) days after any Final Plat and the accompanying documents required by this Ordinance shall have been received, the Planning Commission shall review the Final Plat and submit their recommendations to Town Council.

4-14 Town Council to Act on Final Plat

Within sixty (60) days after any Final Plat and the accompanying documents required by this Ordinance shall have been received, with a recommendation from the Planning Commission, the Town Council shall render a decision of approval or disapproval. Following disapproval of a plat, all copies of the plat and accompanying documents shall be returned to the subdivider. The Planning Director shall provide written notification outlining the reasons for disapproval by Town Council.

4-15 Disposition of Plat After Final Approval

Following approval, two (2) copies of the Final Plat measuring fifteen (15) inches by twenty (20) . inches and one (1) copy of the reduced size plat shall be returned to the subdivider. One (1) copy of the reduced size plat shall be submitted by the subdivider to the Clerk for recordation and one (1) copy of the full size Final Plat shall be submitted to the same office for filing in the subdivision plat book. One (1) additional copy of the full size plat shall be delivered to the Treasurer of the Town of Warrenton, and the remaining copies thereof, with the accompanying documents, shall be retained in the files of the Administrator. Any surety bond, approved by Town Attorney to be posted by the subdivider pursuant to the requirements of this Ordinance shall be delivered to the Planning Director. The cash bond, or check, if any, shall be delivered to the Finance Director.

ARTICLE 5 DESIGN STANDARDS

5-1 Suitability of Land

5-1.1 Land encumbered by any of the following characteristics may be deemed by the Planning Commission as being unsuitable for subdivision:

- a. Land lying within a 100-year flood area designated by the Flood Insurance Study and accompanying maps as completed by the U. S. Department of Housing and Urban Development, Federal Insurance Administration.
- b. Land having physical characteristics, such as poor drainage, highly erodible soils, etc., the subdivision of which would increase danger to health, life, or property or aggravate erosion or flood hazard.
- c. Slopes in excess of twenty-five (25) percent

5-1.2 The Planning Commission may recommend the subdivision of any land which falls under 5-1.1. provided that:

- a. Sufficient land is provided in each lot to provide a building site free from flood, steep slopes, or other danger or nuisance.
- b. The developer installs land preservation improvements as may be required to prevent increased danger to health, life, or property and to render the land safe and otherwise acceptable for development.
- c. The requirements of Section 5-7 of this ordinance are met.

5-1.3 In connection with this Section, the Planning Commission may require the subdivider to. furnish topographical maps, elevations, flood profiles, and other relevant data as necessary.

5-2 Streets

5-2.1 Streets shall connect with existing streets and shall provide access to adjoining subdivisions insofar as practical as determined by the Planning Commission.

5-2.2 Streets shall intersect at as near right angles as practical. Offsets or jogs shall be avoided. No street shall intersect another street at an angle of less than eighty (80) degrees.

5-2.3 Where the Planning Commission deems it desirable or necessary to provide access to adjacent tracts, proposed streets in the subdivision shall be extended to the boundary lines of such adjacent tracts. Temporary turnaround shall be provided at the ends of such streets, by means of temporary easements or otherwise.

5-2.4 Where the adopted Comprehensive Plan indicates a proposed right-of-way greater than that existing along the boundaries of a subdivision or lot, such additional right-of-way shall be dedicated for public use when the plat is recorded.

5-2.5 Where lots in a subdivision abut on one (1) side of an existing public right-of-way, the subdivider shall be required to dedicate such additional land so that the distance as measured from the center line of the right-of-way to the subdivision property line shall be one-half of the required width of the right-of-way. The required width will be determined by the Town of Warrenton or as required by the Virginia Department of Transportation, where applicable.

5-2.6 Half-streets along the boundary of land proposed for subdivision shall not be permitted. All new streets must be platted and constructed to meet the full width required by this Article and such construction is the sole responsibility of the subdivider.

5-2.7 Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case, however, shall the names of other proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on the Preliminary and Final Plats, and shall be approved by the Planning Commission. Names of existing streets shall not be changed except by approval of the Town Council.

5-2.8 Streets shall have a minimum right-of-way of fifty (50) feet. Private streets, where approved by the Town Council, shall have a minimum right-of-way of twenty (20) feet. Alleys, when and if provided, shall have a minimum right-of-way of twenty (20) feet. (Amended by Council 3-12-96)

5-2.9 Dead-end streets (cul-de-sacs) designed to have one (1) end permanently closed, shall be no longer than seven hundred (700) feet and shall be provided with a permanent turn-around terminal, the diameter of which shall be a minimum of one hundred (100) feet.

>-2.10 All streets and their drainage facilities shall be designed in compliance with the requirements of the Town of Warrenton Public Facilities Manual or the Virginia Department of Transportation, where applicable.

5-3 Lots

5-3.1 The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

5-3.2. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of three (3) to one (1) shall be considered optimum.

5-3.3 Except as specifically provided in the Zoning Ordinance, each lot shall abut on a street dedicated by the subdivision plat or an existing dedicated public street except that private streets may be permitted, with approval by Town Council and where an acceptable arrangement for maintenance is provided, either through the creation of a condominium or through the creation of a homeowner's association with an appropriate provision to be included in the deed of each parcel to be sold. Such private streets shall be clearly labeled "Private Street" on both the Preliminary and Final Plats. For a design approved under the provisions of the Zoning Ordinance, lots may be permitted to front on common parking areas.

5-3.4 Corner lots shall have extra width so that the setback and yard lines required by the Zoning Ordinance are met.

5-3.5 Side lines of lots shall be approximately at right angles or radial to the right-of-way line.

5-3.6 All remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

5-3.7 Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the Final Plat Said deed is to be deposited with the Clerk of the Circuit Court of Fauquier County and held with the Final Plat until the subdivider is ready to record same, and they both shall then be recorded together.

5-3.9 In the case of lots for commercial, industrial, or other nonresidential use, the lot area, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and in accordance with the requirements of the Zoning Ordinance and any other applicable ordinance; and shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

5-3.9 Pipestem lots shall not be permitted.

5-4 Blocks

5-4.1 . Generally, the maximum length of blocks shall be twelve hundred (1,200) feet, and the minimum length of blocks upon which lots have frontage shall be four hundred (400) feet.

5-4.2 Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, unless prevented by topographical conditions or size of the property.

5-4.3 Where a proposed subdivision will adjoin a primary thoroughfare or collector street, the Planning Commission may require that the greater dimension of the block shall front or back upon such street to avoid unnecessary ingress or egress.

5-4.4 Subdivisions of twenty (20) or more lots, or lots intended for multifamily development of twenty (20) or more dwelling units, shall have more than one (1) means of vehicular ingress and egress to provide adequate access by emergency vehicles and personnel. If the subdivider can demonstrate that more than one (1) means of access cannot be provided, additional width along the single means of access, or elimination of on-street parking, may be required, as approved by the Planning Director.

5-5 Easements

5-5.1 Easements for utilities shall be provided at a minimum width of fifteen (15) feet. If two (2) utilities are located within one (1) easement area, the minimum easement width shall be twenty (20) feet. If more than two (2) utilities are located within an easement area, the easement width shall be established by the Warrenton Utilities Director.

5-5.2 Where a subdivision is traversed by a stream or other natural drainage way, the Town Council may require the subdivider to dedicate a suitable right-of-way or easement for storm water drainage, or to construct adequate water drains.

5-6 Permits

Where it is necessary to place public utilities or facilities within public streets or rights-of-way, a permit shall first be obtained from the Director of Public Utilities.

5-7 Special Floodplain Requirements

5-7.1 Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

5-7.2 Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

5-7.3 Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. The Town of Warrenton may require a primary underground system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

5-7.4 Utilities

All utilities such as gas lines, and electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

5-7.5 Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

5-8 Trees and Woodlands

5-8.1 The subdivider shall make all reasonable effort to arrange lots in such a fashion as to preserve existing woodlands and trees of six (6) inch caliper or greater. Wherever possible, lots should be designed so as to place existing woodlands and mature trees within required setbacks and buffer yards as designated by the Zoning Ordinance.

5-8.2 Tree protection zones shall be established for all trees and woodlands designated for retention. The tree protection zone shall extend radially for fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Tree protection zones shall meet the following requirements:

- a. grade changes and excavations shall not encroach upon the tree protection zone.
- b. no toxic materials, including petroleum based or derived products, shall be stored within one hundred (100) feet of the tree protection zone.

- c. the area within the tree protection zone shall not be built upon, nor shall any materials be stored, either temporarily or permanently. Vehicles and equipment shall not be parked within the zone.
- d. tree stumps located within ten (10) feet of the tree protection zone shall be removed by means of a stump grinder.
- e. severed tree roots adjacent to the tree protection zone shall be cut by a backhoe, or similar equipment, aligned radially to the tree. Roots shall not be cut in such a way as to cause lateral movement of the root systems. All severed roots shall be covered within four (4) hours and covered with moist peat moss, moist burlap, or other moist biodegradable material until permanent cover is installed.
- f. sediment, retention, and detention basins shall not be located or discharge into the tree protection zone.

5-8.3 Trees scheduled to remain shall be marked. Where woodlands or groups of trees are to be retained, only those trees on the perimeter shall be marked. Temporary fencing may be required along areas adjacent to heavy equipment operation.

5-8.4 Trees to be removed shall not be felled, pushed, or pulled into a tree protection zone or into trees that are to be retained.

5-8.5 In addition to the tree protection zone, additional trees may be left standing between the trunks of the trees to be retained and the limits of grading or construction activity. These trees shall be removed near the completion of the project to permit final grading and landscaping to be accomplished.

5-8.6 When the original grade cannot be retained at the tree protection zone line, a retaining wall shall be constructed outside the tree protection zone. The wall shall be constructed of large stones, brick, building tile, or treated wood beams not less than six (6) inches by six (6) inches. A means for drainage through the wall shall be provided so water will not accumulate on either side of the wall. A layer of clean stone, sized three-quarter (3/4) to one (1) inch, shall be placed at a thickness of one (1) foot along the base of the wall, extending in height to twelve (12) inches below finished grade. The retaining wall shall be four (4) inches above the finished grade line.

5-8.7 All trees which have experienced any disturbance or have had damage to roots or branches shall be fertilized. This shall be accomplished in early fall (September-October) or mid-spring (April-May), with fall application preferred. Fertilizer shall be broadcast over the surface in an area twice the size of the tree protection zone, or a minimum area of one thousand (1,000) square feet per tree, whichever is larger. Fertilizer grade shall have approximately three (3) parts nitrogen to one (1) part phosphorous and one (1) part potassium (3-1-1 ratio) and be applied at a rate equivalent to one (1) pound nitrogen per one thousand (1,000) square feet.

5-8.8 In instances where there is no alternative to locating underground utilities within a tree protection zone, tunneling should be used wherever possible to avoid trenching. Where trenches are to be used, they should be located as far away as possible from tree trunks and tamped lightly to avoid air pockets.

5-8.9 In instances where trees of six (6) inch caliper or larger are removed, they shall be replaced by trees of the same species on the same site. The sum of the calipers of replacement trees shall total or exceed the total caliper of trees removed.

5-8.10 Deciduous and evergreen trees of eighteen (18) inch caliper or greater, and flowering or ornamental trees of ten (10) inch caliper or greater, shall not be removed unless the subdivider can demonstrate that such trees pose a risk to life or property; that the tree has been damaged or is otherwise unhealthy and unlikely to survive; or that retention would render the property unusable for any permitted use designated by the zoning ordinance for that parcel.

5-8.11 In instances where trees are removed prior to approval of a site grading plan, or in violation of an approved tree protection plan, the applicant shall reimburse the town for the assessed value of the tree and associated administrative costs incurred by site inspection, enforcement, and tree replacement. Such funds shall be used to plant replacement trees on the site in the location of the trees illegally removed.

ARTICLE 6 REQUIRED IMPROVEMENTS

6-1 Responsibility for Required Improvements

The subdivider shall provide the improvements required by this Ordinance. All improvements shall be installed at the cost of the developer. No subdivider shall commence the construction of any required improvement without obtaining a construction permit as required, in compliance with all fees and procedures set out by this Ordinance.

6-2 Monuments

6-2.1 Permanent reference monuments shall be placed in the center line of all streets at all points of curvature, points of tangent, points of compound curve, reverse curve, and intersections of streets and alleys. Such permanent reference monuments shall be of stone or reinforced concrete, at least twenty-four (24) inches long and four (4) inches square with a suitable center point, and shall be set flush with the finished grade.

6-2.2 Solid metal pins or steel pipe not less than 3/4 inches in diameter and at least twenty-four (24) inches long shall be set in place flush with the finished grade at the following points:

- a. At all intersections of streets and alleys with the subdivisions boundary lines.
- b. At all points and boundary lines where there is a change in direction or curvature.
- c. At all lot corners.

6-2.3 All monuments shall be inspected and approved by the Town Engineer before any improvements are accepted by the Town.

6-3 Curbs, Gutters and Sidewalks

Curbs, gutters, and sidewalks shall be required in all subdivisions, however, sidewalks may be waived in subdivisions with a density of less than four (4) dwelling units per acre. A written request for such waiver is required for Town Council consideration and action.

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6-4 Drainage

A drainage system shall be provided for by means of culverts, ditches, catch basins, and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from and across all streets and adjoining property. Such drainage system shall be in compliance with the regulations of the Town of Warrenton Public Facilities Manual or the Virginia Department of Transportation, where applicable. Urban Best Management Practices shall be used to reduce storm water volumes and transport of sediment off-site.

6-5 Street Identification Signs

The subdivider shall install street identification signs as specified in the Town of Warrenton Public Facilities Manual.

6-6 Location of Utility Structures

6-6.1 All utility poles or underground conduits for electric power lines or telephone lines shall be placed in easements provided along the rear or side lot lines, whenever possible.

6-6.2 All gas, water, and sewer mains shall be installed underground in accordance with the Town of Warrenton Public Utilities Manual. Subdividers and developers shall install electric, telephone, and cable television lines underground. All utilities of this nature shall be installed in accordance with the prevailing standards and practices of the utility or other companies providing such services, except where it is demonstrated to the satisfaction of the Director of Public Utilities that underground installations herein required are not feasible.

6-7 Water Service

6-7.1 Public water service shall be extended to all lots within the subdivision by the subdivider or developer, individual wells approved by the Health Department may be permitted only where water lines cannot be extended.

6-7.2 In all subdivisions being serviced by the public water supply system, an acceptable system of fire hydrants shall be installed in compliance with the Town of Warrenton Public Facilities Manual.

6-7.3 The water facilities shall be in compliance with regulations of the Town of Warrenton Public Facilities Manual.

6-8 Sewage Service

6-8.1 Public sewerage facilities shall be extended by the subdivider or developer to all lots. Individual septic tanks with approval of the Health Department may be permitted only where sanitary sewers cannot be extended.

6-8.2 The sewerage facilities shall be in compliance with regulations of the Town of Warrenton Public Facilities Manual.

6-9 Lighting

6-9.1 Street lights shall be installed along all public streets at the expense of the subdivider. Such lights shall be located within the right-of-way dedicated for the street. The Town of Warrenton will assume responsibility for the payment of monthly electrical bills upon final acceptance of the public street.

6-9.2 Lights shall be installed to illuminate public access areas designed or intended for evening use, including parking lots and walkways, associated with multifamily, townhouse, commercial, industrial, public, and institutional uses. Such lighting shall be placed to promote the safety, comfort, and convenience of pedestrian and motorists on-site. Lighting facilities shall be arranged in a manner which will protect public streets and neighboring properties from direct glare or hazardous interference.

6-10 Pro Rata Share of Improvements

6-10.1 Where it is the desire of the Town, based upon the Comprehensive Plan, that any public facility including streets, water facilities, and sewerage facilities within a subdivision should be designed and constructed in excess of what is required to serve that particular subdivision, the subdivider shall be required to provide for such facility: however, the cost of such facility shall be pro rated so that the subdivider shall bear only the cost of what would actually be required to serve said subdivision, with the Town and/or other benefited subdividers bearing the remainder of the cost.

6-10.2 The improvements shall be as specified in the Comprehensive Plan or as required by the Town Council in light of the Comprehensive Plan. In either case, they should be consistent with the Town of Warrenton Public Facilities Manual.

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6-10.3 Where a general sewer and drainage improvement program has been adopted by the Town for a defined area and wherein is located the land to be subdivided, the subdivider shall pay a pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development.

6-10.4 The method of computing a subdivider's pro rata share of such cost shall be on a directly proportional basis, based on the estimated contribution of runoff or sewerage of that given subdivision or development to the estimated cost of the total improvement for the defined **area** **"me basis** for computing the contribution of runoff or sewerage and cost shall be consistent with the Town of Warrenton Public Facilities Manual.

6-10.5 Each such payment must be made prior to the approval of the Final Plat and these funds shall be expended only for the construction of those facilities for which the payment was required. Until expended, these funds shall be held in an interest-bearing account for the benefit of the subdivider. In lieu of such payment, bond may be posted in accordance with 4-12.3 with surety satisfactory to it conditioned on payment at commencement of such construction.

ARTICLE 7 EFFECTUAL CLAUSES

7-1 Validity

If any section, clause, sentence, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

7-2 Effective Date

7-2.1 This Subdivision Ordinance of the Town of Warrenton, Virginia, shall be effective at and after 12:01 am., March 15, 1991.

7-2.2 This Ordinance shall apply to all subdivisions proposed after the effective date given in Section 7-2.1.

7-2.3 This Ordinance was duly considered, following required public hearings and was adopted by the Town Council of Warrenton on February 12, 1991.